

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MAGNESIUM MACHINE, LLC, an Oklahoma)	
limited liability company; MAGNESIUM)	Case No. 1:19-cv-2818
HOLDINGS, LLC, an Oklahoma limited liability)	
company; and PARAMOUNT DESIGN, LLC, an)	
Oklahoma limited liability company,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
TERVES LLC, a Nevada limited liability company;)	
and MCDONALD HOPKINS LLC, an Ohio)	
limited liability company,)	
)	
Defendants.)	

SEIZURE ORDER AND OTHER INJUNCTIVE RELIEF

This matter came before the Court upon Plaintiffs’ Motion for *Ex Parte* Civil Seizure (the “Motion”). The Court, taking the specific facts in the Verified Complaint as true and finding the Motion to be supported, finds that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition if seizure is not ordered. Upon consideration of the Motion and to effectuate seizure of the trade-secret, MM Trade Secret Products and Methods on cloud-based storage facilities or shared drives, as well as typical local devices, the Court issues the following Seizure Order:

1. Directing the U.S. Marshals to seize, in a manner that minimizes publicity and any interruptions to the legitimate business operations, the following materials located, on information and belief, on and through devices at Terves’s business location, 24112 Rockwell Drive, Euclid, OH 44117 and/or Terves’s President’s, Mr. Andrew Sherman, personal residence:

- a. Any computers, computer hard drives, or memory devices primarily used or operated by Mr. Sherman, Terves's President (including any of the following electronic devices that might be on or about Mr. Sherman's work space or person, including: smart phones, tablets, desktop computers, laptop computers, and disks, memory files, flash drives, hard drives, thumb drives, and the like);
- b. The username and password information for the above-described devices, including any codes required to override encryption; and,
- c. The username and password information necessary to access Mr. Sherman's Google drives, Dropbox accounts, or any other cloud-based storage devices (collectively, with all of the above, the "Property Subject to Seizure");

The seizure shall be executed during normal business hours on December 18-19, 2019. At the time of execution, the United States Marshals shall serve a copy of this Order, Verified Complaint, and Motion on Terves. The Marshals are authorized to use reasonable force as necessary to execute the Order. The applicant for this Order and the persons against whom this Order is directed are prohibited from accessing the Property Subject to Seizure and/or copying in whole or in part any of the Property Subject to Seizure until such time as all parties have had the opportunity to be heard in Court. Any and all materials seized pursuant to this Order shall be held in custody by the U.S. Marshals or this Court, who shall secure the Property Subject to Seizure from physical and electronic access and prohibit any storage medium from connecting to a network or the internet without the consent of all parties until the hearing is concluded.

To prevent the further dissemination of the MM Trade Secret Products and Methods, Terves, Andrew Sherman, and those acting in concert with them, are temporarily restrained until further ordered by the Court, not to exceed a period of fourteen (14) days from:

1. Disclosing the MM Trade Secret Products and Methods;
1. Using the MM Trade Secret Products and Methods, including, but not limited to:
 - a. Selling, offering for sale, marketing, or advertising any product or method incorporating the MM Trade Secret Products and Methods; and
 - b. Performing any testing or product development relating to the MM Trade Secret Products and Methods; and,
1. Terves, and Mr. Sherman specifically, are temporarily enjoined and restrained from modifying or deleting any of the information, files, or metadata associated therewith contained on the above cloud-based storage facilities.

Terves is further required, before or at the hearing, under penalty of perjury, to identify, in writing, by name, address, method and date of disclosure, all person(s) to whom the existence of the Settlement Agreement and/or the MM Trade Secret Products and Methods have been disclosed. Terves is also required to provide written notice of this Order to all individuals identified pursuant to this paragraph specifying the injunctive relief entered by this Court.

HEARING

Hearing on this Motion and Order is set for Thursday, December 19, 2019, at 9:00 a.m. EST, in Courtroom 15A, United States Courthouse, 801 W. Superior Ave., Cleveland, OH 44113.

BOND

In consideration of the above, until the matter can be addressed at the hearing scheduled for Thursday, December 19, 2019, at 9:00 a.m., Plaintiffs shall post a bond in the amount of \$10,000.

ORDERED this 18th day of December, 2019, at 11 : 05 a.m.


UNITED STATES DISTRICT JUDGE